


JACQUELINE M. JAMES, ESQ.

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APPLICATION GRANTED
SO ORDERED 
VERNON S. BRODERICK
U.S.D.J. 4/27/2015

April 24, 2015

The Honorable Vernon. S. Broderick
United States District Court
40 Foley Square
New York, New York 10007

The time in which to effectuate service of a summons and the complaint upon the Defendant is hereby extended nunc pro tunc until June 8, 2015. No further extensions will be granted. If Plaintiff wishes to proceed with this case, it should take any necessary steps to obtain a response to the subpoena to ensure that it is able to effect service by June 8. So ordered.

***Re: 1:14-cv-08936-VSB Plaintiff's Second Letter Motion for Extension of Time
Within Which to Effectuate Service on John Doe***

Pursuant to Fed. R. Civ. P. 4(m), Plaintiff, Malibu Media, LLC, moves for entry of an order extending the time within which Plaintiff has to serve John Doe Defendant with a Summons and Complaint, and states:

1. This is a copyright infringement case against a John Doe Defendant known to Plaintiff only by an IP address. Defendant's true identity is known by their internet service provider ("ISP").

2. On December 15, 2015, Plaintiff was granted leave to serve a third party subpoena on Defendant's ISP, Verizon Online Services, to obtain the Defendant's identifying information [CM/ECF 10]. Plaintiff issued the subpoena on or about December 17, 2014, and expected to receive the ISP's response on January 30, 2015. However, Plaintiff never received a response from the ISP. Plaintiff followed up on March 30, 2015 and again on April 24, 2015.

3. Pursuant to a Court Order dated March 12, 2015 [CM/ECF 15], Plaintiff is required to effectuate service on the Defendant by no later than, April 24, 2015. However, due to not knowing the Defendants identity, Plaintiff was unable to do so.

4. Procedurally, Plaintiff respectfully requests that the time within which it must effectuate service of a summons and Complaint on the Defendant be extended forty five (45) days or until June 8, 2015.

5. This extension will allow undersigned sufficient time to obtain the identity of the Defendant, investigate the information provided by the ISP and file all the proper Pleadings and serve the Defendant.

WHEREFORE, Plaintiff respectfully requests that the time within which it must serve the John Doe Defendant be extended until June 8, 2015. A proposed order is attached for the Court's convenience.

Date: April 24, 2015.

Respectfully submitted,

By: Jacqueline M. James

Attorneys for Plaintiff

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